

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**TOP CUISINE INC. d/b/a  
ANTHRACITE CAFE,**

**Plaintiff**

**v.**

**UTICA FIRST INSURANCE  
COMPANY and W N TUSCANO  
AGENCY INC.,**

**Defendants**

**CIVIL ACTION**

**NO. 3:21-cv-01802-JFS**

**FILED  
WILKES BARRE**

**NOV 12 2021**

PER MS  
DEPUTY CLERK

**ORDER**


AND NOW, this 12<sup>th</sup> day of November, 2021, upon

consideration of the Stipulation of the parties regarding a stay of this matter, it is hereby ORDERED and DECREED that this matter is hereby STAYED pending the decision of the United States Court of Appeals for the Third Circuit in *Wilson v. Hartford Casualty Insurance Company*, No. 20-3124, and the related cases currently on appeal to the Third Circuit. It is further ORDERED that the Clerk of Court shall place this matter in Civil Suspense. Within ten (10) days of the Third Circuit's decision in *Wilson*, the parties shall file a joint status report regarding further litigation of this matter.<sup>1</sup> It is further ORDERED that Defendant Utica First Insurance Company may file its response (whether answer, motion, or other filing)

<sup>1</sup> Should the Third Circuit issue another substantive and relevant opinion prior to issuing an opinion in *Wilson*, the parties shall file a joint status report within ten (10) days of that decision, and address whether this matter needs to remain in suspense.

to Plaintiff's Complaint within fourteen (14) days of the date that the case is reinstated to active status, unless otherwise directed by the Court after the parties have submitted their status report. Finally, it is hereby ORDERED that Plaintiff shall not move to remand this matter while Defendant Utica First Insurance Company is a party in the case.

**BY THE COURT:**

  
Hon. Joseph F. Saporito, Jr., U.S.M.J.